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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

8 UNITED STATES OF AMERICA, )  
9 )  
Plaintiff, ) Case No. CR05-421-JCC  
10 v. ) **PROPOSED FINDINGS OF FACT**  
11 ) **AND DETERMINATION AS TO**  
NADINE ELAINE COOK, ) **ALLEGED VIOLATIONS OF**  
12 Defendant. ) **SUPERVISED RELEASE**

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13 INTRODUCTION

14 I conducted a hearing on alleged violations of supervised release in this case on March 1,  
15 2010. The defendant appeared pursuant to warrant issued in this case. The United States was  
16 represented by Todd Greenberg, and defendant was represented by Peter Mazzone. Also present  
17 was U.S. Probation Officer Richard B. Cowan. The proceedings were digitally recorded.

18 SENTENCE AND PRIOR ACTION

19 Defendant was sentenced on October 10, 2008 by the Honorable John C. Coughenour for  
20 Felon in Possession of a Firearm. She received 36 months of detention and 3 years of supervised  
21 release.

22 Ms. Cook's supervised release was revoked on October 10, 2008, after the Court found Ms.  
23 Cook violated the conditions of supervision by consuming cocaine; changing residence without

1 the permission of the probation officer, failing to appear for drug testing on three occasions, and  
2 associating with persons engaged in criminal activity. A 34-month term of supervised release  
3 was imposed with the standard conditions, together with special conditions to include drug  
4 testing and treatment, search, abstinence from alcohol, mental health treatment, financial  
5 disclosure, and a prohibition from possessing identification documents in any name other than  
6 her own. The Court also imposed a special condition requiring Ms. Cook to reside in a  
7 residential re-entry center for up to 120 days or until discharged by the program manager or the  
8 probation officer.

#### 9 PRESENTLY ALLEGED VIOLATIONS

10 In a petition dated December 7, 2009, U.S. Probation Officer Richard Cowen alleged that  
11 defendant violated the following conditions of supervised release:

- 12 1. Consuming cocaine on or before March 12, 2009, in violation of standard condition  
13 7.
- 14 2. Failing to appear for drug testing as required on May 15, 2009, in violation of the  
15 special condition requiring participation in testing to determine if the defendant has reverted to  
16 the user of drugs or alcohol.
- 17 3. Failing to appear for drug testing as required on May 27, 2009, in violation of the  
18 special condition requiring participation in testing to determine if the defendant has reverted to  
19 the user of drugs or alcohol.
- 20 4. Failing to remain in treatment at Sound Mental Health beginning on or about June  
21 1, 2009, as directed, in violation of the special condition that she participate in a program for the  
22 treatment of narcotic addiction or drug dependency.
- 23 5. Failing to remain in treatment at Sound Mental health beginning on or about June 1,

1 2009, as directed, in violation of the special condition that she participate in a mental health  
2 program.

3 FINDINGS FOLLOWING EVIDENTIARY HEARING

4 Defendant admitted the above violations, waived any hearing as to whether they occurred,  
5 and was informed the matter would be set for a disposition hearing March 11, 2010 at 9:00 a.m.  
6 before District Judge John C. Coughenour.

7 RECOMMENDED FINDINGS AND CONCLUSIONS

8 Based upon the foregoing, I recommend the court find that defendant has violated the  
9 conditions of his supervised release as alleged above, and conduct a disposition hearing.

10 DATED this 1<sup>st</sup> day of March, 2010.

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14 BRIAN A. TSUCHIDA  
United States Magistrate Judge  
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